



DISCIPLINARY PROCESS

INDEX CODE: 304
EFFECTIVE DATE: 12-01-13

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I. POLICY

It is important to establish a disciplinary process, which enables the division to initiate positive, corrective action for improper conduct while at the same time protecting agents from unwarranted criticism for properly discharging their duties.

It is the policy of this division to provide a thorough, fair, and expeditious disposition of complaints about the conduct of its employees. This section applies to all allegations of misconduct against division-**sworn personnel**, regardless of duty status. Employees that are not covered under LEOBR will follow discipline procedures and guidelines set forth by state law.

II. DEFINITIONS

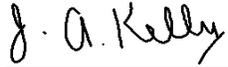
1. Law Enforcement Officer- any person, who in his/her official capacity, is authorized by law to make arrests and who is a member of a bona fide law enforcement agency. For disciplinary purposes under LEOBR, the term law enforcement officer does not include an officer serving a probationary status except when allegations of brutality in the execution of duties are made.
2. Summary Punishment – punishment imposed by the highest-ranking officer of the unit to which the agent is assigned. Summary punishment may not exceed three (3) days suspension without pay or a fine of \$150.00 and may be imposed for minor violations of division rules and regulations when: (1) the facts which constitute the minor violation are not in dispute; (2) the agent waives his/her right to a hearing provided by the Law Enforcement Officers’ Bill of Rights; (3) the agent accepts the punishment.
3. Complaint – an allegation of misconduct made against an employee of the division.
4. Violation – any infringement of a law, rule, regulation, procedure, standard of conduct, or lawful order.
5. Counseling – Supervisory counseling of subordinates is a non-disciplinary corrective action. In most cases it is not made a part of the employee’s personnel record. (An exception is counseling taken as a result of at-fault departmental traffic accidents).
6. Brutality – the use of unnecessary or excessive physical force by an agent while acting in an official capacity.
7. Hearing Board – any board formed in compliance with the Law Enforcement Officers’ Bill of Rights to hear formal charges brought against an agent.

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8. LEOBR – the Law Enforcement Officers’ Bill of Rights. Maryland Code, Article 27, Section 727-734, as amended.
9. Non-Punitive Transfer – The director has the authority “to regulate the competent and efficient operation and management of a law enforcement agency by any means including, but not limited to, transfer, and reassignment where that action is not punitive in nature and where the director determines that action to be in the best interest of the internal management of the law enforcement agency”. MD code, Article 27, Section 728 (C).

III. CANCELLATION: None.



Jeffrey A. Kelly, Director